



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 04 2008

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

LR-8J

Bev Carter
Environmental Health and Safety Supervisor
3M Precision Optics, Inc.
3997 McMann Road
Cincinnati, Ohio 45245

Re: Notice of Violation
RCRA Compliance Evaluation Inspection
3M Precision Optics, Inc.
EPA I.D. No.: OHD 982 072 696

Dear Ms. Carter:

On November 9, 2007 a representative of the United States Environmental Protection Agency (U.S. EPA) inspected 3M Precision Optics, Inc. (3M Precision Optics) located in Cincinnati, Ohio. The purpose of the inspection was to evaluate 3M Precision Optics compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the generation, treatment and storage of hazardous waste. Please find enclosed a copy of the inspection report for your reference.

Based on the information provided by 3M Precision Optics personnel, review of records, and personal observations made by the inspector at the time of the investigation, U.S. EPA has determined that 3M Precision Optics is engaged in the management of hazardous waste without a hazardous waste storage permit, and is in violation of the requirements of the Ohio Administrative Code (OAC) and the United States Code of Federal Regulations (CFR). To be eligible for the exemption from having a hazardous waste storage operating permit, 3M Precision Optics must be in compliance with the conditions of OAC § 3745-52-34(A) and (C). We find that 3M Precision Optics is in noncompliance with the following conditions for the storage permit exemption, and in violation of the following requirements:

1. A small quantity handler of universal waste lamps must contain spent lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with the contents of the lamps. See, OAC § 3745-273-13(D)(1) [40 CFR § 273.13(d)(1)].

At the time of the inspection, 3M Precision Optics failed to contain several spent fluorescent lamps in the facility's universal lamp storage area in containers or packages.

2. A small quantity handler of universal waste lamps must clearly label each lamp or a container or package with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)". See, OAC §§ 3745-273-14(E) [40 CFR § 273.14(e)].

At the time of the inspection, 3M Precision Optics failed to label several spent fluorescent lamps in the facility's universal lamp storage area with one of the required phrases.

3. In order to avoid the need for a hazardous waste storage permit, a large quantity generator must list addresses (home and office) of all persons qualified to act as emergency coordinators in the facility's contingency plan. See, OAC §§ 3745-52-34(A)(4), 3745-65-52(D) [40 CFR § 262.34(a)(4); 40 CFR § 265.52(d)]. This is also a requirement of owners and operators of hazardous waste storage facilities, under OAC § 3745-54-52(D) [40 CFR § 264.52(d)].

At the time of the inspection, review of the 3M Precision Optics revealed that the facility failed to list the (home and office) addresses of alternate emergency coordinator in the facility's Contingency Plan.

4. In order to avoid the need for a hazardous waste storage permit, a large quantity generator must conduct weekly inspections of the facility's hazardous waste storage area, and must keep a record that documents the weekly inspections. See, OAC §§ 3745-52-34, 3745-66-74 [40 CFR § 262.34(a)(1)(i); 40 CFR § 265.174)]. This is also a requirement of owners and operators of hazardous waste storage facilities, under OAC § 3745-55-74 [40 CFR § 264.174].

At the time of the inspection, 3M Precision Optics failed to conduct and keep a record of weekly inspection of its hazardous waste storage area during the time period of 06/27/2007 to 07/11/2007.

5. A large quantity generator who accumulates hazardous waste on-site for less than 90 days, and who does not meet the conditions for a permit exemption of OAC § 3745-52-34(A) and (C) [40 CFR § 262.34 (a) and (c)], is an operator of a hazardous waste storage facility, and is required to obtain a hazardous waste storage permit. See, OAC §§ 3745-52-34(A), 3745-50-41(A), 3745-50-45(A) [40 CFR §§ 270.1(c), 270.10(a), (d)]. Upon failing to comply with the conditions for a permit exemption specified in Nos. 3 and 4 above, 3M Precision Optics violated the permitting requirements of OAC §§ 3745-52-34(A), 3745-50-41(A), 3745-50-45(A) [40 CFR §§ 270.1(c), 270.10(a), (d)].


At this time, U.S. EPA is not requiring 3M Precision Optics to apply for either an Ohio

storage permit or U.S. EPA storage permit, so long as it immediately establishes compliance with the conditions for an exemption outlined above. Under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation and requiring compliance immediately or within a specified time period. Although this letter is not such an order, you are hereby requested to submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above conditions and requirements.

You should submit your response to Derrick Samaranski, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604. If you have any questions regarding this letter, please contact Derrick Samaranski, of my staff at, (312) 886-7812.

Sincerely,



 Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: Tom Ontko, OEPA, SEDO